

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WAYNE BALIGA, derivatively on behalf of
LINK MOTION INC. (F/K/A NQ MOBILE INC.)

Plaintiff,
-against-

LINK MOTION INC. (F/K/A NQ MOBILE
INC.), VINCENT WENYONG SHI, JIA LIAN,
XIAO YU,

Defendants,
-and-

LINK MOTION INC. (F/K/A NQ MOBILE
INC.),

Nominal Defendant.

Civil Action No.: 1:18-cv-11642

**DECLARATION OF MICHAEL
JAMES MALONEY IN SUPPORT
OF RENEWED MOTION TO
DISCHARGE RECEIVER AND
DISSOLVE PRELIMINARY
INJUNCTION**

MICHAEL JAMES MALONEY declares, pursuant to 28 U.S.C. 1746, as follows:

1. I am an attorney duly admitted to practice law before the United States District Court for the Southern District of New York. I am a partner of Felicello Law P.C. and counsel of record for Defendant Vincent Wenyong Shi (“Mr. Shi”).

2. I make this declaration in support of Mr. Shi’s renewed motion for an Order discharging Robert W. Seiden (the “**Receiver**”) in his capacity as temporary receiver for Link Motion Inc. f/k/a NQ Mobile Inc. (“**LKM**” or the “**Company**”).

3. Annexed hereto as **Exhibit A** is a true and correct copy of the Reply Declaration of Vincent Wenyong Shi in Further Support of Motion to Dismiss and Discharge of Receiver, dated May 21, 2019 (Dkt. No. 60).

4. Annexed hereto as **Exhibit B** is a true and correct copy of an excerpt of the Form F-1 filed with the S.E.C. on or about March 15, 2011.

5. Annexed hereto as **Exhibit C** is a true and correct copy of the Verified Shareholder Derivative Complaint verified by Plaintiff Wayne Baliga (“Baliga”) on December 13, 2018 (Dkt. No. 1).

6. Annexed hereto as **Exhibit D** is a true and correct copy of the Reply Affidavit of Baliga, dated January 24, 2019 (Dkt. No. 24).

7. Annexed hereto as **Exhibit E** is a true and correct copy of the Order Granting Preliminary Injunction and Appointing Temporary Receiver, dated February 1, 2019 (Dkt. No. 26).

8. Annexed hereto as **Exhibit F** is a true and correct copy of the Court’s June 11, 2019 Decision & Order (Dkt. No. 64).

9. Annexed hereto as **Exhibit G** is a true and correct copy of an excerpt of the Company’s 2016 20-F report.

10. Annexed hereto as **Exhibit H** is a true and correct copy of the Declaration of Hua Jingyuan in Further Support of Motion to Intervene (Dkt. No. 155) without the exhibits thereto.

11. Annexed hereto as **Exhibit I** is a true and correct copy of a translation (along with the original) of an order affirming judgment (Dkt. No. 155-16).

12. Annexed hereto as **Exhibit J** is a true and correct copy of a translation (along with the original) of an order affirming judgment (Dkt. No. 155-17).

13. Annexed hereto as **Exhibit K** is a true and correct copy of a translation (along with the original) of an order affirming judgment (Dkt. No. 155-18).

14. Annexed hereto as **Exhibit L** is a true and correct copy of a translation (along with the original) of an order affirming judgment (Dkt. No. 155-19).

15. Annexed hereto as **Exhibit M** is a true and correct copy of the Affirmation of Michael D. Cilento in Support of Temporary Restraining Order and Order to Show Cause (Dkt. No. 92).

16. Annexed hereto as **Exhibit N** is a true and correct copy of the Hong Kong High Court Affidavit of Rebecca Hume, dated February 26, 2019 (Dkt. No. 36-3).

17. Annexed hereto as **Exhibit O** is a true and correct copy of the Hong Kong High Court Originating Summons, dated February 22, 2019.

18. Annexed hereto as **Exhibit P** is a true and correct copy of the Cayman Islands Grand Court Order, dated February 4, 2020 (Dkt. No. 132-1).

19. Annexed hereto as **Exhibit Q** is a true and correct copy of the Hong Kong High Court Interim Order for Injunction Prohibiting Disposal of Assets, dated February 25, 2019 (Dkt. No. 36-14).

20. Annexed hereto as **Exhibit R** is a true and correct copy of a Form 6-K filed by the Receiver on March 26, 2019.

21. Wherefore, Mr. Shi respectfully requests the Court to enter an Order (i) dissolving the preliminary injunction in all respects; (ii) discharging the Receiver; (iii) directing the Receiver to take all actions and execute all instruments necessary to return the Board of Directors to the *status quo ante* before the appointment of the receiver; (iv) directing the Receiver to take all actions and execute all instruments necessary to return to the Board of Directors all rights to legal claims

and control over the Company and its assets; (v) directing the Receiver to account for all actions taken and monies received in connection with the receivership; and (vi) dissolving the receivership.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 11, 2021

/s/ Michael James Maloney
Michael James Maloney